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A LECTURE

*Read before the Walthamstow Literary Institute, on
March 3rd, 1893.*

BY

JOHN BADCOCK, JUN.



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LADIES AND GENTLEMEN,—

I venture to suggest that in the educational programmes we, as parents or teachers, may think fit to compile for the benefit of the rising generation, much stress might with advantage be laid upon the fact that the laws and customs which they will be expected to conform to have a jurisdiction over but a limited area either of time or of space. We should thus make it plain to them that it is the mere accident of their birth, in this particular country, at this particular time, that puts them under certain regulations, and not others. It seems to me that if the pupil realises that had he been born in Fiji, for example, as a Feejean, he would be early encouraged to strike his mother, and would afterwards learn the sacred duty of burying her alive when she got old ; that, if he had been a Mandan Indian (of North America), he would never be recognised as a man, nor be allowed to have a wife, until he had undergone certain prescribed horrible tortures of the flesh ; that, if he belonged to the Wahhahee sect (of India), he would be taught to look upon smoking as a deadly sin ; while, if he had been a Jew, the eating of pork would constitute a sin ; and that, among various other peoples, the lives of the subjects were regulated by customs varying from a trifling conformity to rites and fashions up to the infliction of extreme tortures as part of the

rites considered necessary for all to go through—if the pupil realises all this, he will see what peculiar things public institutions are, and may, perhaps, owing to his broadened views, look upon the practices of his own countrymen—of baptism, circumcision, confirmation in the State religion, grinding through the orthodox secular code, the keeping of fast and holy days, marriage rite, burial service, and Lord Mayor's Show—with more scepticism of their assumed beneficial effects than he who is only acquainted with his own country's customs is ever likely to have.

The use of these prefatory remarks is to emphasize the view I take, that *all* institutions are nothing more than manufactured conveniences, any of which may be improved upon or done without. From the evolutionist's point of view—seeing that laws and established customs have, at their best, only a temporary transitional value—it is obvious that no allegiance is due to any law or custom, as such ; but that conformity need be given only to what the unfettered individual mind sees the reasonableness of, or attractiveness of. All of which was expressed by Jesus Christ when he said, “ Man was not made for the Sabbath ;” nor, by implication, for any other institution.

Now to come to my special subject for to-night.

There is a natural shyness with most people regarding their affections and most private affairs. Love letters are not, generally, penned with the anticipation that they will be read in the Divorce Court, or printed in the newspapers. Nevertheless, when the State insists upon regulating the love affairs of a people, a citizen may find it imperative to speak publicly upon the subject which, otherwise, he would talk least about.

I will first call your attention to the proverbial difference in the attitude between the sexes before and after marriage—a difference which is very remarkable when you come to think of it. Everybody observes something

of the kind, or the jokes and cynicisms perpetrated on this point would not be so appreciated as they are. But why the difference? Is it in the nature of things that the most intimate friendship should undergo a deterioration; or is the deterioration in this case caused by the marriage bond, with its imposition of duties, and the friction consequent upon the attempt of two people to live together in dual and mutual control over each other? During courtship there is absolute need for that tender solicitude for each other's welfare which each gives with the greatest pleasure. *After* marriage, so far as the tender emotion serves the purpose of binding two people together, it must be admitted that there is no further need of it. For has not the State undertaken to keep them together, willy nilly? That is what the marriage contract is for. I admit that to many couples the bond would make no difference in their conduct. But it must be evident to you that those who would naturally be as constant to each other after marriage as before require not the marriage vow. To them, at any rate, it is superfluous.

“ There needs no vow to bind
Whom not each other seek, but find :
They give and take no pledge or oath ;
Nature is the bond of both.”

And to those whose ties of affection are not so strong the legal promise—the promise to live together till death—has a tendency to lessen that display of affection which, before marriage, kept them together in mutual esteem.

Necessity is the mother of invention, and of a good many other children.

Can it be doubted that a marriage law which lessens the necessity for affectionate behaviour between the sexes, and binds together for the same life-long time the affectionate and the callously brutal, must have the

effect of introducing many discords into married life? If, after a year or so of married life, a continuance of the union is mutually desired, but is *not* made obligatory by the laws, there can be no doubt that the attitude of the parties would be, towards each other, that of lovers, as it was before marriage. And so on to the end. Few see it in that light, however. In one of the comics a country bumpkin says to his Jane : "Aint it first rate that folks can get married? I never thought anything about it till I came to want you. Now just think of there being a law o' the State that folks that wants each other can have each other, for good an' all." Which is like thanking the State for granting a licence to do many another thing which one might, could, would, and should do without such licence.

Let us look deeper into the courtship period. It is a period the significance of which is by no means sufficiently appreciated. Take a survey of the whole animal kingdom, from butterflies up to man; note the conduct of the sexes towards each other, and the conclusion is irresistible that the courtship period, during which the male manifests a desire to please the female, has been developed in response to the needs of the individual. *To please* the feminine sex has been a necessary preliminary in order to gain her society, at a time when the need for her society was imperative, and the failure to obtain it meant despair and failure to leave offspring. With mankind the requirements of the individual, in the matter of society, are more extensive than with the lower animals. What will men or women not do to secure their own happiness? No trouble is too great for a youth to take to please his adored one, and to enable him to stand high in her good opinion, for that means happiness to him. We need neither the Christian Church's advice to endow the woman we love with our goods and chattels, nor the

similar advice of Pagan Ovid, which runs : "Let the needy man proffer zeal and fidelity ; what each one possesses, let him bestow it all upon his mistress." In the words of Emerson,

" Gifts from one who loves me,
 'Twas high time they came ;
When he ceased to love me,
 Time they stopped for shame,"

we see the recognition of the basis of giving *in love only*, *not* from duty. And love rests upon a fundamental egoistic basis. Consider :

It is in pursuit of his own happiness that each man endeavours to attract and to benefit the woman who fires his passion. He shows no maudlin altruism by offering to marry and make happy the least attractive girl whom no one else will have, but makes for the nearest approach to his ideal of beauty, and of other qualities that have an irresistible charm for him. For the same reason each girl, who has a free hand, rejects all displeasing and repulsive specimens of man, and tries to realise acquaintance with her ideal. Each follows the path of greatest attraction and least resistance, in this as in everything else. It would be superfluous for me to remind you how this period is the dawn of grace and civility to many who were before clumsy and mannerless, but for the fact that we live in an age of too much teaching. It seems, therefore, worth while drawing attention to this natural and untaught improvement in personal appearance and manners which comes to the youth in the normal course of his development, to the benefit of himself and others. The foundation of all good appearance is, of course, in one's *physique*. It is the healthy, physical qualities that attract in both sexes, more than any others. A fine figure, a good voice, a cheerful appearance, rude health, *draw*. From which it results (*ceteris paribus*) that the strongest and healthiest

succeed in marrying and leaving offspring, while the weakest remain single. As, in the process of sexual selection, those feelings and accomplishments which conduce most thoroughly to the enjoyableness of social life are developed and cultivated, with the result of rendering all the senses more acute, and so raising the individual's susceptibility to the most subtle influences and refined pleasures—with the ultimate result of raising the tide of life for all succeeding generations—at the same time weeding out those who are least capable of enjoying life and of appreciating all the manifestations of beauty we are surrounded with—it is clearly seen how the egoistic pursuit of happiness by each is fraught with the largest possible increase of happiness to the race. The *one* condition for this beneficence to be effected is *freedom*. To state that sexual selection can only operate where there is free choice is to state a truism. Selection means free choice. Yet, in their ignorance, men have for ages tried to supplant sexual selection, or to thwart its good effects. Hence it is not to be wondered at that marriages are not all successes.

Take the betrothals of children, or the selection of life-partners for grown-up youths and maidens by their parents. When obedience to parents' wishes, in this matter, is insisted upon, it is obvious there is less need for the betrothed to take the trouble to please each other. And if either of them forms a love-attachment to other parties, there is likely to be domestic war. In the second place, when no choice is allowed, both the sexual instinct and the intellectual judgment are not exercised in their legitimate functions of selecting the fit from the unfit, but are snubbed, and the race suffers in consequence.

If it be said that young men and women have not the requisite judgment to select fit partners for them-

selves, I reply that, however imperfect their judgments may be, there is no higher judgment than theirs, on earth or in heaven. For in this matter, of all others, they select whom they are attracted by. They are attracted towards whom will bring them most happiness. They alone know who pleases them most, and, unless *they* are pleased, the pleasing of parents by accepting parents' choice will only be at the cost of unhappiness (or diminished happiness) to those most concerned. If children follow from such marriages, besides inheriting a portion of the effect of their parents' stultified desires, they are witnesses of their parents' want of affection for each other, and must suffer from any prevalent depression of spirits so caused. On the other hand, mutual selection and satisfaction surround the children of lovers with the most cheerful environment it is possible for them to have, and the resultant flow of good spirits radiates untold good. Happy children are among the most attractive things in existence, and re-act upon their parents, producing the most effective of ties, and making the very idea of separation (even for differences on many points) to be treated with scorn—not to be thought of.

Now, if it be granted that free choice of partners is advisable (being productive of greatest happiness), on what grounds is a marriage law called for? And if one is wanted, what kind of a law should it be? Public sentiment in favour of one or another form of relationship between the sexes is a growth that varies with nationality and alters with time. Livingstone says that the Makalolo women were quite shocked to hear that in England a man had only one wife; to have only one *was not respectable*. Of some other Africans we read, according to Spencer: "If a man marries and his wife thinks he can afford another spouse, she pesters him to marry again, and calls him a 'stingy fellow' if he declines to do so." And a king of the Matelhappes (Africa), when

told that Europeans were not permitted to have more than one wife, said that “it was perfectly incomprehensible to him how a whole nation could submit voluntarily to such extraordinary laws.” Then, among the Khonds, while rigid monogamic constancy is expected of a husband, and infidelity on his part is held to be highly dishonourable and is heavily punished, with the wife full liberty is allowed; with her, constancy is not expected at all.

There are, of course, hundreds of other cases that might be cited to show the diversity of public opinion upon the marriage question ; but the few I have given will suffice to show that there are arrangements upheld as highly proper and right which we condemn as immoral, and that there are nations who look with contempt upon those marriage arrangements which we regard as most holy. Not that I have anything in particular to say in favour of or against polygamy or polyandry, or monogamy, or promiscuity. So long as either of these customs is voluntarily adopted, the inference must be that the adopted custom is expected to conduce to the happiness of those concerned ; and it is out of the question that a custom will be chosen for its pains. Such being the case, that particular custom which a nation or an individual adopts, *voluntarily*, has an ethical sanction, whatever it is. For instance, if polygamy is adopted in preference to monogamy, it is because it is believed to give most happiness. What gives most happiness is the best possible conduct ; and there is no higher authority than the parties concerned to decide what *does* give most happiness. *Ergo*, polygamy is the best arrangement for those who like it best.

Concerning the conduct which the endeavour to satisfy those desires which fall under the head of “falling in love” leads to, it may safely be prognosticated that such conduct will involve a greater variety of actions

than conduct involved in satisfying any of the other wants (*e.g.*, eating and drinking, adornment, respiration, etc.). And for this reason : that the factors entering as motives into the feeling of attraction—of an individual of one sex for an individual of the other sex—are more numerous and complex, and involve a greater variety of consequences, than can be the case with any other feeling. This holds whether the feelings are consciously analysed or not. The fact that the theme has led to such an enormous number of love stories being written, even under a one-sided monogamic bias, and the attraction which this kind of literature has over other forms of literature, go in support of what I say. “The passion of love, which is the soul of the stage, and the source of so many other passions, whose *variety* and *contrast* produce numberless dramatic situations,” and so on, wrote ballet-master Blasis.

If there was a question of chopsticks *versus* knife and fork, and the user of chopsticks said they were easier to use than knives and forks, while the user of the latter stated that he found the contrary to be the case—well, the outside philosopher would tell each disputant to stick to the tools he found best suited him. Only multiformity can satisfy multiform tastes. Similarly with regard to the relations between the sexes ; so long as both parties to an arrangement concerning them both, of whatever kind, voluntarily acquiesced in it, are not forced to it by compulsion, direct or indirect—*i.e.*, so long as it gives *mutual* satisfaction, it is impertinent for outsiders to interfere, whether in the name of the State, Mrs. Grundy, Public Morality, or any other abstraction.

A rational objection to polygamy, or any other -gamy, comes in when the woman is subordinated to the man, or he to her, by the marriage. Such objectionable subordination of one to the other stands in the way of the realisation of the highest form of friendship between

them. Friendship has conditions. Friends meet only on an *equal* footing. Even if marriage customs could be tabulated according to some standard of goodness, the lower customs would still be legitimately and preferably acceptable to those whose appreciations were low. Such customs run the chance of being supplanted by higher forms which give greater happiness ; only, however, because the higher forms give greater happiness. Or, to put it the other way about, those arrangements which give the greatest amount of happiness are, by that test, the highest and most desirable.

My main contention against a monogamic law is, after all, that it does not allow of *that perfect equality between man and woman which is only possible when neither has a legal claim upon the other*, whether for material support, moral support, monopoly of affection or confection, or anything else. Even if you try to make the legal tie equal for both, you cannot do it. The natures of men and women are too diverse to put any two in equal fetters. And when it comes to pass that one side to the compact feels the legal restraint more than the other, it cannot then be said that both are on an equality, even in their strait-jackets. The blasting effect of authority (compulsion) in killing love is seen in all the relationships that spring up ; relationships which, through *loving* association only, serve to connect the individual to the race and to all nature, animate and inanimate. It is seen and known by everybody, between husband and wife, between parent and child, between neighbours, between the youth and the knowledge waiting to be acquired. This compulsion is the great *anti-social* factor of the times, the one thing that estranges, and *the* factor which weakens communities which adopt the socialist legislation now so much advocated. For happiness is not the outcome of it.

In the twelfth century lived two lovers—Abelard and

Eloise—among the most cultured in that barbarous age. Hear the words which Pope puts into the mouth of Eloise, and note well the arguments she used when trying to dissuade Abelard from going through the marriage rite after their child was born.

“ How oft, when pressed to marriage, have I said,
 Curse on all laws but those which love has made.
 Love, free as air, at sight of human ties,
 Spreads his light wings, and in a moment flies.
 Let wealth, let honour, wait the wedded dame,
 August her deed, and sacred be her fame ;
 Before true passion all those views remove ;
 Fame, wealth, and honour ! what are you to love ?
 The jealous god, when we profane his fires,
 Those restless passions in revenge inspires,
 And bids them make mistaken mortals groan,
 Who seek in love for aught but love alone.
 Should at my feet the world’s great master fall,
 Himself, his throne, his world, I’d scorn them all ;
 Nor Cæsar’s empress would I deign to prove ;
 No, make me mistress to the man I love :
 If theré be yet another name more free,
 More fond than mistress, make me that to thee !
 Oh ! happy state, when souls each other draw,
 When love is liberty and nature law :
 All then is full, possessing and possest,
 No craving void left aching at the breast :
 Ev’n thought meets thought, ere from the lips it part,
 And each warm wish springs mutual from the heart.
 This sure is bliss (if bliss on earth there be),
 And once the lot of Abelard and me.”

That is the *ideal*. What is the *real* at present ?

The main thing about our monogamic law is that it only recognises marriages *for life*. Wordsworth Donisthorpe complains that even a marriage contract for a term of ninety-nine years is not legal. Public sentiment goes with the law, and looks upon all illegal unions as vicious. Yet I venture to take the position that *time*

has little to do with the question. It stands to reason that the more satisfied a couple are with each other, the longer will they live together. The length of time any two friends (of the same or of opposite sexes) keep together may be taken as an index of the suitability of each to each, as regards giving and receiving pleasure from each other's society. I take it that it is the aim of every young adult to find that other one of the opposite sex whom attraction alone will keep in a life-long companionship. But to insist that what should be an index of constancy in love shall be adhered to by all, under threat of legal penalties, is putting the cart before the horse.

A cat-and-dog life between man and woman needs only to be mentioned to be condemned. Then it should not be difficult for either to leave the other.

Further, I deny that there is any necessary condemnation to be given to a companionship where there is love, even though the law be not called in as a witness, and even though the same is terminated by mutual consent, however soon, whether owing to subsequent divergence of views, or for reasons known only to the parties themselves. In a state of freedom the essentials to the happiest marriages, tested by results, would be widely made known, because there would then be a demand for such knowledge. The importance of health, of the absence of blood-relationship, of the absence of mercenary motives, and the biological and physiological data on the subject—these considerations receive now but scant attention, because, as I believe, the legal sanction is thought the all-important thing to get. The legal sanction covers a multitude of sins, and, by confirming marriages when bad physique, consanguinity, absence of the divine afflatus, and other factors, or absence of factors, protest the unsuitability of the union, gives permission for the production of long lines of creatures to whom life could

not, in any circumstances, bring much surplus of happiness.

The legal sanction never can be of the first importance, because you no sooner do a thing because it is legal than you cease to do it from a higher ethical or natural sanction. Even if the legal and the ethical happen to coincide, the very presence of the legal is still evil, because it masks the true reason for conformity, and so prevents the full benefit that follows from a consciousness of obeying nature's laws—or, in other words, from following that course of conduct which your reason, acting upon accurate knowledge, indicates as the happiest in results.

In ancient Greece the people were subject to many experiments in regard to the relations between the sexes. At Athens, from the time of Pericles, the condition of the adult women, who were divided into two classes—the wives and the courtesans—is thus stated by the late Archbishop Potter: “For the wives, *retirement, constraint, ignorance, and legal respect*; for the harlots, *freedom, education, accomplishments, and contempt*.” The wives were under the care of special laws, could not travel with more than a fixed small quantity of provisions or apparel, were mostly confined to the house, and could not always go from one part of the house to another without leave from their husbands, and were kept in ignorance of almost everything but their household duties. Only the courtesans, on the other hand, could wear embroidery or jewels in public, and their freedom led many to study mathematics and the sciences and learning of their time, in order to make themselves agreeable to the philosophers. From this class Plato, Socrates, Aristotle, Epicurus, and other notabilities had mistresses, with whom they could converse on an equality. As the law pretended to be monogamic, and ran, “No man shall have more than one wife,” but

men were allowed the society of courtesans, monogamy was upheld according to the legists. So much for legal distinctions.

Come now to our own country, and, putting aside legal distinctions as worse than useless, you see things in a truer light. You see that the girl who shows off her charms in order to entrap a wealthy man into marriage, and the man who persuades a rich but otherwise unattractive woman into marrying him, have prostituted themselves quite as much as the prostitutes of the streets. And more so. For she of the streets has the plea of hard poverty, and "Necessity knows no law." Yet the unions that go through the ceremony of marriage are upheld by society as sanctified, while no loathing is considered great enough to heap upon the poor prostitute. The legal marriage for life, with concealment of the mercenary motive, is far and away more detestable than the temporary union for cash.

The law offers chances for the fortune-hunter which freedom does not. A pretender, who affects to be madly in love with an ugly heiress, has only to affect so much until the tie has been tied, and made as tight as Church and State can make it. But, without a marriage law, and with equal property-holding qualifications for both sexes (the latter is somewhat gained), the fact of love between man and woman, real or pretended, does not imply dependence of one upon the other, nor indeed any transfer of property, nor a communistic household arrangement. Freedom allows those customs, but gives allowance and scope for other arrangements and rearrangements, for experience to modify and progress to take place. As things are at present, many parents influence their children into so-called "suitable" marriages —*i.e.*, suitable solely from the mercenary gain expected. When this, what Emerson calls "subterranean prudence," intrudes, it is a sign that the marriage is on the same low

plane as the generality of commercial dealings, and a chance for a better relationship to be formed is thrown away.

On the Continent, under prevalent parental selection, public sentiment grants a respite to the married ones, by allowing more latitude to them in their intercourse with others than English sentiment tolerates. But, then, English men and women have more choice in selecting their wives and husbands. It is absurd to expect constancy under any *marriage de convenance*.

Now, no one can say that the marriage institution can settle forever the loves of any couples. Considering the susceptibility of many young people to the attractions of several, before they are married to one, the balance of chances precludes the idea that in all cases THE one has been chosen who is the kind of companion looked and hoped for. If, at the natural age for marrying, a man and a woman consent to marry—having a fair share of liking for each other, but nothing more; or perhaps intense love is only on one side, and the marriage may have been prompted to some extent by the counsel of parents—the chance is always open that some other one may cross their path and upset their calculations. Upset their course of life like an earthquake, and all by a look. There is no accounting for tastes, and least of all is there any accounting for the attraction which a particular woman, out of many, has for a particular man of all others. It is probably, as Grant Allen says, a case of both finding their complement, their counterpart; finding those attributes in the opposite sex which are most necessary for them to be near to complete their own happiness. And supposing this most violent attraction—this meeting between two persons who are by nature more fitted to each other than either is to anyone else—comes after marriage instead of before! What is to be done? If the newly-found affinities are stronger than

the first-found ones, there can be no peace unless a rearrangement is effected. It can be no satisfaction to an honourable man to call a woman his wife when that woman has ceased to reciprocate his affection, because of a greater attraction elsewhere. To command her to abrogate the highest possibility of her existence is madness and tyranny. At the most, for the sake of convention, she could only pretend to be satisfied with things as ordered. No man or woman has the power to prevent a real attraction from taking place. They may pretend, for the supposed sake of others, that no attraction has taken place ; but the lie and the hypocrisy, and the suppression of real love, will hurt, and may form a considerable deduction from the happiness which conformity to conventional usage is supposed to give. It is, in fact, easy to see that such conformity may be purchased at too high a price.

Men claim a monopoly of their wives' affection, and feel wounded if that affection is transferred to another, or bestowed partly upon another. Women, I presume, feel the same with regard to their husbands. But the feeling of jealousy is a growth due entirely, I believe, to the customs which have for ages made the wife's person the property of the husband, and, by insisting upon her chastity, given her a counter-claim upon her husband. But, of course, the whole theory and practice of property in human beings is wrong. Many nations have kept their women under the strictest surveillance, cloistered up when at home, and in close-covered waggons when travelling—as, notably, the Persians. The Greeks kept their wives under lock and key. The Greek comic at the theatre cries out : “ My wife abroad ! s'death and furies, what does she from home ? ” The old jealous order of woman's treatment is well expressed by the lines :—

“ I have a knife, Panchita ;
I have a care !

Who was the gallant overnight
Below your window there?"

But under the new ideal of freedom—equal freedom for man and woman—the treatment will be kind. Let me again quote the poetess, Miriam Daniell :—

" Nay, blush not, Nita, do not hang your head ;
Your body is your soul's own instrument,
As his is his alone, and mine is mine ;
You, hate nor love can touch till you consent :
Awhile we dreamed we loved ; that dream is dead ;
Together our Life's music jars; in fine,
You find in him I saw you last night with
Some notes that make your chords more great and blithe.
I wish you well ; mistakes too oft become
Fatal, eternal errors through false laws,
And rob heart-strings of harmony for some ;
But we, invincible, shall mould a cause.

" And may we still be friends ? The world says ' No,'
But I affirm we shall : to limit love
Is hopeless ; can a man control the sea
Or make monopoly of skies above,
Or into selfish breast direct sole flow
Of Nature's influence ? Immensity
Defies possession. Men sate anger in
Bloodshed when slaves escape ; break violin
That will not any longer play their tune,
So it may make no melody again.
Well, I say to you, be gay as June ;
Perform your symphony, the world shall gain."

Is there any magic connected with the marriage rite ? In Thibet " the priests alone know whether the nativity of the bride stands in a favourable relation to that of the bridegroom, and, if not, by what ceremonies and sacrifices misfortune may be averted ; they alone know the day that is most suitable for the wedding ; they give the bond its consecration and its blessing by burning incense and by prayer." In Ceylon " an astrologer must examine the horoscopes of the two parties, to discover

whether they correspond." In the Zend-Avesta an elaborate blessing and exhortation, beginning with the words, "In the name of God," is appointed for the nuptial ceremony.

After all, priests and astrologers must live ; but are we now more enlightened and self-reliant upon this subject than our ancestors of two thousand years ago ? If, as the Christian Church teaches, God sanctifies marriage, God has sanctified some very peculiar ones. The superstition still sticks to the ceremony, even though it be a ceremony before a registrar in his office. The time of the indissoluble marriage contract, of Roman Catholic dominion, has gone by ; but we have not done much by replacing the Bull of the Pope by Act of Parliament. Albeit we have done something. No one dare say that all marriages are consummations of the union of the most fit. Mistakes do occur ; marriages do not all turn out happy ; some end in tragedy.

Having given up the absolute indissolubility and sacredness of marriage, as being too cruel, some dissolutions and re-arrangements have to be allowed. But once allow the tie to be put aside in cases of gross cruelty, and you have the difficulty of defining what amount of cruelty is gross enough. Soon sympathy will be expressed for marital miseries where the injury of husband to wife (or the other way) is of kinds not allowed for in the Acts ; and, ultimately, the law has to be strained, literally, to let some captives go free. Then it becomes repugnant to our finer feelings to sanction any law that compels a man and a woman to live together when the lives of one or both are made wretched in consequence. Contemplate a case. Put yourself in the place of a wife who either dreads her husband, or looks upon him with disgust ; and you see that the possibility of such a relationship being made permanent by law condemns the law.

The Clitheroe case is a sign in the right direction. Here the mere refusal of a woman to live with the man she had married, but found a dislike to, was considered by the courts sufficient ground for granting a separation. You see that, if you allow the happiness of the parties concerned to be the consideration of first importance, you relegate the legal marriage contract to a place of secondary importance. The growth of sympathy with suffering humanity abolishes the cast-iron rigidity of the law, and the list of "adequate causes" for divorce is extended. But where are you to draw the line? Once allow exceptions to the absoluteness and sacredness of the marriage tie, and there is no stopping place until every individual idiosyncrasy is satisfied, and the marriage law is dead as a door nail. Or, what is the same thing, marriage becomes a ceremony which any couple may go through or not, as it pleases their sentimentalities; and those who elect to go through can have what ceremonials they like, from jumping over a broom-stick to the most gorgeous pageant and priestliness.

Readers of George Eliot's "*Middlemarch*" will recollect how young Mrs. Casaubon sticks faithfully to her husband, an elderly, peevish, ailing creature, whom she has married because of his erudition; and how she submits to a martyrdom of the emotions from a sense of duty, born of the fact that she was lawfully the wife of her husband. Her side-affection for Will Ladislaw is an emotion to be smothered. At last she is released from her marriage vows by the timely death of the old man. But even then she hesitates to accept the penniless Will Ladislaw, although he cannot live happily without her, nor she without him. Her late husband had so willed his property that it would only go to his widow so long as she did not marry Will Ladislaw. A sense of duty to the dead man still holds Mrs. Casaubon, and it requires an immense deal of pressing on the part of

Ladislaw to induce her now to marry him. Ultimately she agrees to it, saying that she will want no new clothes, will go in for domestic economy, and live on love and the beggarly £700 a year she happens to have in her own right.

Count Tolstoï is bolder. His heroine, Anna Karenina, in somewhat an analogous predicament to that of Mrs. Casaubon, does not wait for the death of her husband, but gives herself up to Vronsky as only a passionate lover can. And on Vronsky's part, although, ere he saw Anna, he had got nearly up to the proposal point with a young lady named Kitty, his meeting with Anna Karenina turned his love into a new channel, which he was powerless to resist. For Anna he gave up everything. Now, I apprehend that all this will shock those who believe in the sacredness of the marriage institution. But those who believe in the sacredness of the individual will judge Anna and Vronsky by natural, not legal, standards. If Anna was guilty of a crime, it must be for an aggression of some sort. But, in accepting the happiness that came to her by way of Vronsky, she aggressed upon nobody. Her body is her own, and, in bestowing her affection upon whom she pleases, she acts within her own rights—*i.e.*, within the limits of equal freedom. One explanation, indeed, makes her conduct quite natural and inevitable. She had been married, when young, to Karenin, a cold-natured legislator, more as a matter of convenience than of love. But her emotional nature was starved under Karenin. Consequently, when she met Vronsky, in whom she found her needs satisfied, and for whom she was equally his requirement, their mutual attraction overcame all barriers. But it is not even necessary to know Anna's antecedents for a justification of her conduct, for she is accountable only to herself in the bestowal of her affections. If she has first to get the consent of parents, husband, the police,

or God, then she is a slave. To proceed with the story. Karenin magnanimously forgives his wife for her infidelity towards himself, while Anna, living now with Vronsky, undergoes such mental torturings, as the cumulative effect of many influences, that she ends her unhappiness with suicide.

The novel of *Anna Karenina* is good. No timely death of her husband is introduced like that which spoils George Eliot's "Middlemarch." Such a death can only be regarded as a sop and a sacrifice to popular superstition. It saves the respect for law and custom, and, at the same time, allows devoted lovers their satisfaction. But the novelist who is true to nature will depict the antagonism between man and the artificial trappings which bind him, without any reconciling artifice. If true love takes no cognisance of human laws and limitations, our sympathies will not be long in maintaining the latter at the expense of the former.

It must not be overlooked, however, that when a sense of right and wrong is implanted in the individual, on the basis of arbitrary priestly or legal authority, the conscience so formed will have great, if not insuperable, difficulty in reconciling the claims of nature to any kinds of happiness which have been condemned by theologic or political creeds. Any giving way to natural impulse in contravention of such creeds is likely to be followed by a sense of shame and attempts at penance, unless the creeds themselves are thrown overboard from an enlightened conviction of their worthlessness.

With *Anna Karenina* her educational bias was so nearly balanced against her attraction to Vronsky that, whether love or duty was followed, she was doomed to unhappiness in the end. She had not been brought up under free conditions. Few, indeed, have. Also, it is possible that Tolstoï may have put into Anna's disposition some of his own ascetic yearnings. For Tolstoï, as you know,

now decries all cohabitiveness and all other earthly desires, thinking that the extinction of sense, and, consequently, of mankind altogether, is the goal to make for.

I like the logicalness of Tolstoi's attitude. It is at least manlier than that of the moralising portion of the community, who tell you that sexual love is *vicious* without the sanction of Church or State, and *holy* with such sanction. Tolstoi at least recognises that it is *the thing itself* that has to be considered on its merits, without the legal distinctions between tweedledum and tweedledee. Either sexual love is good in itself, or it is bad. If it is bad, then Tolstoi's attitude is the logical one to take. The most extremely ascetic conduct is to be inculcated, although it runs to annihilation.

But if the tender passion is good, the only points for discussion upon it are as to whether any given course of action leads to happiness or not. And, as the parties concerned must always be the final judges as to their own happiness requirements, the only field for outside interference is to stop aggression—such as when a woman is carried off against her will, or is compelled to live with a man against her will, or *vice versa*.

I have heard the view expressed that all necessary legal requirements as to marriage can be met on a free contract basis; by which is presumably meant that the parties can put in their own terms (which can be as various as the terms of trade contracts or will clauses) in the marriage contract, and the State is to enforce the carrying out of such contracts in consideration of stamp duty being paid. My objection to the legal-contract idea in marriage, whether free or compulsory, arises from a repulsion to the contemplation of any mercantile or mercenary motives being intruded into a relationship which offers such high possibilities of happiness when formed on a basis of pure affection—*i.e.*, when formed

by mutual attraction of intrinsic qualities in the individuals.

Of course, it would be folly to prevent a man and a woman from binding each other to anything, so long as the binding was mutual and there was no external pressure. And if the voluntarily-bound can get any Association to undertake the infliction of penalties for breach of marriage contract, I see no reason for interfering with them. I dislike uniformity. I wish all wants to be satisfiable, and that is only possible under the condition of equal freedom. What I claim is, that those who desire to manage their own love affairs without consulting the State shall be allowed to do so. As it would be manifestly unjust for free-lovers of all kinds to be compelled to support, by taxation, courts for the enforcement of other people's marriage contracts (in the same way that it is unjust for Nonconformists in religion to be taxed to support a State Church), the only thing left for Parliament to do in this matter is to remove marriage agreements entirely from the jurisdiction of the Courts ; allowing private enterprise to supply what demand might spring up for companies that will insure against breach of marriage promises, or breach of marriage continuance promises. Then, as far as legality went, all marriage promises would be on a par with betting debts ; that is, they would be converted into debts of honour.

The binding of husband by wife, or wife by husband, by legal bonds betrays, to my mind, a want of the essential and divine element which makes lovers. If they cannot trust each other fully—and they cannot if they require written agreements—their love is not a gem of the first water. When the marriage settlement, or the marriage bond or vow before witnesses, is considered a *sine quâ non*—equally as when money matters, position in society, educational status, and all other trumpery factors are allowed to have weight in this relationship—

the factor of love, the only factor which should have full swing, is relegated to a secondary or tertiary place, if indeed it is not entirely lost sight of. Either party may promise whatever they please, from faithfulness till death to a slice of cheese from the moon ; and, if there is no law to compel fulfilment of their promises, these are the more likely to be kept. The case of betting debts proves it.

Emerson mentions an epitaph which enumerated the virtues of a certain honest man, and finished up with this : " If a woman gave him pleasure, he supported her in pain." This recognition of reciprocal benefits is very refreshing to hear of. But, of course, neither honesty nor magnanimity can be thought of except as attributes of free men and women. We call these attributes virtues, because they bring happiness. They will be practised for the same reason.

The fear in the minds of many people, that the abolition of laws would lead to the repudiation of obligations, is childish. There is implied in it that many existing so-called obligations rest upon a force basis. If that is so, it is a reason for putting them on an honest basis. Contracts between governors and governed, treaties agreed to by the weaker party from necessity, will naturally not stand the test of free conditions. And if free conditions should follow slavery conditions, abruptly, a re-action from restraint must be looked for which would manifest itself as it would. In this matter of the relations between husband and wife it goes without saying that only those ties will remain which are true natural ties, based upon affection. These will stand all tests, because the individual finds his happiness bound up with wife or child or home or all. And where there is affection there will be generosity rather than stinginess.

As the law is powerless to produce the best marital conditions for men or women, it can only mar the happy-

ness of married people all round by its insistence upon antiquated forms, which, if believed in, tend to hypocrisy, cant, and domestic jaw.

The wisely requirements of a Puritan-Wesleyan-METHODIST street preacher might, perhaps, be found in a plain, sanctimonious-looking female, if not in a downright ugly one, so long as she was pious. In fact, I should say that, from the extreme altruistic, self-abnegatory, ascetic point of view, the uglier the better is a wife. For the senses would be abased, and, if any children were produced, their inherited ugliness might ensure their single-blessedness. But what are the requirements of a poet--of a lover of beauty? Goethe was "never aloof from the fascinations of women." Byron said that the only fault he found with his wife was that she married him. To require these and all the other erotic poets to maintain a statuesque indifference to the charms of all women but one would be as foolish as to attempt to limit the amount of sunshine, or the beauties of nature in general, for each one of us. I declare that men and women have a right to all the love and sunshine they can get in this world. J. Stuart Blackie wrote :--

" Why should I my love confine ?
 Why should fair be mine or thine ?
 If I praise a tulip why
 Should I pass the primrose by ?

" Paris was a pedant fool,
 Meting beauty by the rule.
 Pallas ? Juno ? Venus ?—he
 Should have chosen all the three."

It is easy to see why "the world, the flesh, and the devil" have been under the ban of the Church. Putting aside that mythical bogie, "the devil," "the world" and "the flesh" comprise all beauty. The more we are attracted by the beauties of this earth, the less are we likely to be in a hurry to find out what kind of

an existence is that which the Church promises—after death. “Woman was ‘the flesh’ *par excellence*; and woman has been considered a walking temptation” by many religions, more than anything else leading man away from the spiritual life. Hence the beauty of woman was a shameful thing, to be covered up as much as possible. A Buddhist monk is forbidden to bring any part of his body into contact with that of a woman; nor even to walk with a nun along the road. The incarceration of women in convents, and the enacting of pretty well all the marriage laws that have been invented for thwarting the natural promptings of the heart—from the child marriages of India and the burning of widows upon their husband’s pile, down to the maintenance of the law against marriage with a deceased wife’s sister—all have been kept going through religious sanctions.

The idea that a perfect life was only attainable by self-abnegation and repression of the senses lasts so long as there are people who really believe they will get compensation for a painful existence here, in heaven, Nirvana, Valhalla, Abraham’s bosom, or other region beyond the ken of the telescope. But—

“The grave worms are cruel, the grave clods are cold,
And a dream is uncertain at best.”

We know now that the only self-denial that is worth anything is that which restrains conduct to healthy limits; by which I mean the limits beyond which are a lessening of vitality, a production of unhappiness to self and to others, premature death.

Those who have courage will reckon “all extraneous conventional ties” at their true value, and put them aside when they interfere with their complete living. It should not be difficult for men and women who have met with no serious obstacles to their love-making to help remove the legal and sentimental obstacles that

prevent less fortunate people from realising the possibilities of the highest form of friendship. Strong men, like Wagner and Parnell, show us that it is affinities that will govern in this matter. Wagner and his wife Minna did not find themselves suited to each other, so, after long years, "the mental contrasts of the two appearing more and more sharply," they separated. Later, Wagner found in Cosima, the wife of von Bülow, a woman who "entirely understood his artistic aspirations as well as his whole spiritual being," and who reciprocated his love; so they arranged matters accordingly.

And now, by way of a summing-up of the arguments of those who uphold bond-love, and of those who advocate free-love, I beg to quote from a drama by Felix Pyat. It is a scene near the end of the story, when the young couple, Camille Berville and Marie Didier (he the son of a rich banker, she the daughter of a poor clerk), in spite of the hundred ways in which the emissaries of Church and State and other governors have tried to wreck their lives, have at last reached an impregnable position and can defy their enemies. But Mother Church cannot bear the thought of being a stranger to such a wealthy house as the Berville's; so the Archbishop calls upon the young couple.

"Yes, my children," said the Pontiff, in the unctious and oily tongue of Holy Church, "God has seen fit to restore to you, Monsieur Berville, your immense fortune, and to you, Mademoiselle Didier, your good name. It is a great blessing to you, Monsieur; a great honour to you, Mademoiselle. You are engaged to each other. The Church congratulates you through my ministry. When wealth unites with virtue it becomes purified thereby. Be, then, as pious as you are generous. It is for you to prove your gratitude towards God; to thank Providence for his signal goodness in uniting you according to his law, his order, and the holy commandments of

his Church. Thus you will deserve the benefits of heaven, and keep its favour upon earth. Upon this depends your common happiness in this world and in the other. For you cannot be happy unless you lead a Christian life. The woman who honours God esteems her husband, of whom she is but a half. If woman does not fulfil her duties towards God, how can she fulfil them towards man? If she believes in nothing, how can she believe in him? Lacking divine faith, the seal of all union and the restraint of all dissolution, what will hold her to conjugal faith? Believe me, young people, and marry in the grace of God and under the blessing of his minister."

Camille thanked the prelate for his advice and his offers, saying to him :—

" Monsieur, I thank you for the goodwill of your counsel. Unfortunately, my convictions are absolutely contrary to yours, and prevent me from accepting that which your offer.....The innocence of Marie Didier must be manifest in the nature of things, without the direct intervention of God. I do not believe he disturbs himself about our little affairs.....You call love commands, authority, obedience, force, order, and law ; I call it attraction, passion, devotion, and gift. Free thought, free morality, free love, these are my dogmas, contrary to your own. We cannot, then, agree. As for Marie, she will tell you her opinion. What say you, Marie?"

" I say," she answered, " that your sentiments are my own ; that I wish no more than you the honour that is offered us. There is no need of any bond, religious or other, even civil, to make me yours entirely and forever. I am your wife because *you* desire it and *I* desire it, and not because law and religion desire it ; not because others than ourselves desire it."

" Permit me, Mademoiselle," interrupted the prelate ;

"those whom you call others are God and the Prince, the sacrament and the code."

"And what is the good," she cried, taking Camille's hand, "of the will of God and men, if you cease to love me? The day when I shall no longer please you, of what importance will be codes and sacraments, the laws of earth, and the blessings of heaven? You are heaven and earth to me. No, dear Camille, I do not wish you to be *forced* to love me. The day when it shall be my misfortune to displease you, fortune, honour, and society, all will be at an end so far as I am concerned. I shall resume my needle and my attic."

"But your children?" said the priest.

"Our children," rejoined Camille; "there we find our sacrament, the bond and the curb. When the human heart is neither forced nor falsified by authority, nature substitutes in it, in an orderly fashion, one passion for another. We shall love each other in the children of our love."

"Ah," said Marie, again pressing Camille's hand, "even though he should no longer love the woman, I know very well that he will still love the mother of his child. Yes, Monseigneur, I wish him to be free, always free to leave me as he has been free to take me. Believe me, this is, perhaps, more designing, less disinterested than it seems, for it is the surest way to keep him."





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OBJECT : To create machinery for acknowledging offspring
born out of wedlock, and to secure for them equal rights
with legitimate children.